

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Atty. Docket No.
SYMM1210-2



Applicant(s)
George Zampetti et al.

Application Number 10/782,441	Date Filed February 19, 2004
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For
**STRATUM CLOCK STATE MACHINE
MULTIPLEXING SWITCHING**

Group Art Unit 2816	Examiner Nguyen, Minh T
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Confirmation Number:
5641

Certificate of Express Mailing Under 37 C.F.R. 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee in an envelope bearing Express Mail mailing label number **ED 202405825 US** addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 26, 2004.

John J. Bruckner

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

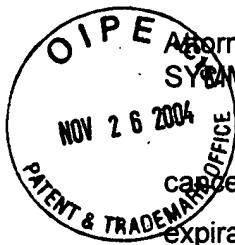
The owner, Symmetricom, Inc. of one hundred percent (100%) interest in the instant application, as evidenced by the assignment recorded April 16, 2002 at Reel/Frame: 012805/0196 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,765,424. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims

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Attorney Docket No.:
SY-BM1210-2

Ser. No.: 10/782,441
Customer No.: 38396

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canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check box 1, 2, 3, or 4 as appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature

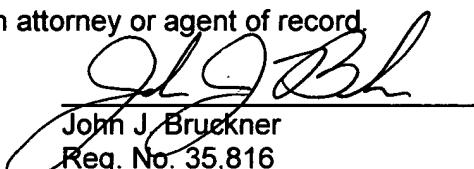
Dated

print name

title

- * Statement under 37 C.R.F. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

2. The undersigned is an attorney or agent of record


John J. Bruckner
Reg. No. 35,816

Nov 26, '04

Dated

3. Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

Owner/Applicant is a Small Entity Large Entity

4. Terminal disclaimer fee under 37 C.F.R. 1.20(d). The Asst. Commissioner is hereby authorized to deduct \$110 representing the above-noted statutory disclaimer fee for a large entity from Deposit Account No. 50-3204 of John Bruckner PC. The Asst. Commissioner is hereby further authorized to deduct any deficiencies or credit any overpayments regarding this application from and/or to the same account.